



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

APR 20 2011

Mr. Barry Sulkin
Field Director
Public Employees for Environmental Responsibility (PEER)
4443 Pecan Valley Road
Nashville, TN 37218

Ms. Cheryl Slavant
Ouachita Riverkeeper
2610 Washington Street
Monroe, LA 71201

Dear Mr. Sulkin and Ms. Slavant:

Thank you for your March 16, 2011, letter to the U.S. Environmental Protection Agency (EPA) expressing concerns regarding wastewater discharges from the Georgia-Pacific Crossett Operations Mill (GP Crossett), and the effects of those discharges on Mossy Lake, Coffee Creek and the Ouachita River.

Your letter contends that GP Crossett's wastewater discharges have given rise to an imminent and substantial threat to the environment and public health, that the facility is in frequent violation of its National Pollutant Discharge Elimination System (NPDES) permit and that the Arkansas Department of Environmental Quality (ADEQ) has failed to take proper enforcement action. Based upon these allegations, you are requesting that EPA take immediate and appropriate enforcement action against GP Crossett and either amend or revoke and reissue the facility's current NPDES permit to include effluent limitations protective of aquatic life and other use designations.

EPA reviewed the status of permitting and enforcement actions associated with the GP Crossett facility and communicated with ADEQ, but did not find a basis for reopening GP Crossett's NPDES permit or initiating a federal enforcement action against the facility at this time.

As required by the Clean Water Act (CWA) and federal regulations, the current NPDES permit for GP Crossett establishes discharge requirements in consideration of the technology-based effluent limitation guidelines found at 40 CFR Part 430 (Pulp, Paper, and Paperboard Point Source Category) and the existing water quality standards found in Arkansas State Regulation Number two. Under the Arkansas water quality standards (Regulation No. 2, A-29 and A-31), Mossy Lake and Coffee Creek have no designated 101(a)(2) beneficial and drinking water uses and are exempt from Regulation Number 2.5 Specific Standards, which are protective of such uses. Accordingly, the permit is written to protect the receiving waters of the Ouachita River. At its confluence with the

Ouachita River, Coffee Creek is approximately 2.5 miles away from the Louisiana state border. During the permitting process, ADEQ worked closely with representatives of the Louisiana Department of Environmental Quality to ensure that proposed discharges from GP Crossett would comply with Louisiana water quality standards for the Ouachita River.

Pursuant to our role in overseeing the Arkansas NPDES permitting program, EPA reviewed the draft permit for GP Crossett and determined that it met the requirements of the CWA, NPDES permitting regulations and current state water quality standards. Based on our review of the permit in December 2009, we notified ADEQ that we had no objection to issuance of the draft permit.

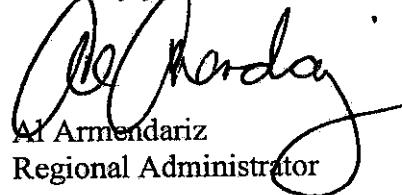
EPA has previously discussed our concerns with ADEQ regarding the lack of designated uses for Coffee Creek and Mossy Lake. In response, ADEQ is working closely with our Ecosystems Protection Branch and GP Crossett to develop a robust Use Attainability Analysis (UAA) to evaluate potential designated uses for Coffee Creek and Mossy Lake. Should designated uses be added for Coffee Creek and/or Mossy Lake as the result of the UAA, such uses will be taken into consideration when determining appropriate permit requirements.

Concerning your reference to possible violations of the current NPDES permit, our enforcement representatives have discussed GP Crossett's permit compliance status with ADEQ and determined that there are no enforcement issues associated with the current permit. The foaming to which you refer as a concern, is associated with an aerator at an internal outfall. However, since there is no observable foam in the discharge at the final outfall, there appears to be no violation of the permit condition related to foam.

At this time, we do not believe it is appropriate for EPA to reopen GP Crossett's current NPDES permit or to begin civil enforcement proceedings against the facility. EPA anticipates ongoing efforts to complete a UAA for the Mossy Lake and Coffee Creek area will provide timely data which will be available for consideration by Arkansas when assigning appropriate designated uses. If different designated uses are adopted, these changes should be reflected in the next NPDES permit reissuance.

Thank you for your interest in protecting human health and the environment in Arkansas and Louisiana. If you have any questions, please call me at (214) 665-2100, or your staff may contact Ms. Claudia Hosch of my staff at (214) 665-6464.

Sincerely yours,



Al Armendariz
Regional Administrator

cc: Ms. Teresa Marks, Director
Arkansas Department of Environmental Quality